

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 19799 of 2003

Between:

A.P. State Cooperative Societies, Secretaries & Employees Union, District Unit Regn. No.
B780, Khammam, rep. by its President, Boyanapalli Venkata Subba Rao

..... PETITIONER

AND

1.A.P. State Cooperative Central Bank Ltd., (APCOB), Troop Bazar,
Hyderabad.

2.Superintendent of Police, Khammam, Khammam District.

3.The District Cooperative Central Bank, Khammam, Khammam

District, rep. by its General Manager.

4.The District Cooperative Officer, Khammam, Khammam District.

5.The Divisional Cooperative Officer, Khammam,Khammam District

6.The Divisional Cooperative Officer, Kothagudem, Khammam District.

7.The Divisional Cooperative Officer,Bhadrachalam, Khammam District.

8.The Branch Manager, D.C.C. Bank Ltd., Aswaraopet Branch,

Aswaraopet (P & M), Khammam District.

9.The Branch Manager, D.C.C. Bank Ltd., Sattupalli Branch, Sattupalli

(P & M), Khammam District.

10.The Branch Manager, D.C.C. Bank Ltd., Marlapadu Branch, Vemsur

(P & M), Khammam District.

11.The Branch Manager, D.C.C. Bank Ltd., Kallur Branch, Kallur (P

&M), Khammam District.

12.The Branch Manager, D.C.C. Bank Ltd., Kukunur Branch, Kukunur

(P & M), Khammam District.

13.The Branch Manager, D.C.C. Bank Ltd., Burgumphad Branch,

Burgumphad (P & M), Khammam District.

14.The Branch Manager, D.C.C. Bank Ltd., Manugur Branch, Manugur

(P &M), Khammam District.

15.The Branch Manager, D.C.C. Bank Ltd., Bhadrachalam Branch,

Bhadrachalam (P &M), Khammam District.

16.The Branch Manager, D.C.C. Bank Ltd., Charla Branch, Charla (P

&M), Khammam District.

17.The Branch Manager, D.C.C. Bank Ltd., Venkatapuram Branch,

Venkatapuram (P & M), Khammam District.

18.The Branch Manager, D.C.C. Bank Ltd., Kunavaram Branch,

Kunavaram (P & M), Khammam District.

19.The Branch Manager, D.C.C. Bank Ltd., Kothagudem Branch,

Kothagudem (P & M), Khammam District.

20.The Branch Manager, D.C.C. Bank Ltd., Enkoor Branch, Enkoor (P

& M), Khammam District.

21.The Branch Manager, D.C.C. Bank Ltd., Yellandu Branch, Yellandu

(P & M), Khammam District.

22.The Branch Manager, D.C.C. Bank Ltd., Garla Branch, Garla (P &

M), Khammam District.

23.The Branch Manager, D.C.C. Bank Ltd., Wyra Branch, Wyra (P & M),
Khammam District.

24.The Branch Manager, D.C.C. Bank Ltd., Madhira Branch, Madhira

(P & M), Khammam District.

25.The Branch Manager, D.C.C. Bank Ltd., Bonakal Branch, Bonakal

(P & M), Khammam District.

26.The Branch Manager, D.C.C. Bank Ltd., Mudigonda Branch,

Mudigonda (P &M), Khammam District.

27.The Branch Manager, D.C.C. Bank Ltd., Nelakondapalli Branch,

Neelakondapalli (P & M), Khammam District.

28.The Branch Manager, D.C.C. Bank Ltd., Rajeswarapuram Branch,

Nelakondapalli Mandal, Khammam District.

29.The Branch Manager, D.C.C. Bank Ltd., Tirumalayapalem Branch,

Tirumalayapalem (P & M), Khammam District.

30.The Branch Manager, D.C.C. Bank Ltd., Yerrupalem Branch,

Yerrupalem (P & M), Khammam District.

31.The Branch Manager, D.C.C. Bank Ltd., Paloncha Branch, Paloncha

(P & M), Khammam District.

32.The Branch Manager, D.C.C. Bank Ltd., Khammam Rural Branch,

Khammam Rural Mandal, Khammam District.

33.The Branch Manager, D.C.C. Bank Ltd., Ambedkar Branch,

Khammam Urban Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus directing the respondents not to register Civil and Criminal Cases against the members of the petitioner union in pursuance of the proceedings issued by the 3rd respondent in Rc.No. ADM/PACS/2003-04/2252, Dated 28.8.2003 and consequential notices issued on the members of the petitioner union.

Counsel for the Petitioners: MR.V.Ajaykumar

Counsel for the Respondents 2 & 4 to 7 : GP FOR AGRICULTURE &

Cooperation

Counsel for R.1,3 and R.8 to R.33 : MR.P.M.GOPAL RAO

The Court made the following:

ORDER:

A.P. State Cooperative Societies Secretaries & Employees Union, District Unit, Khammam, filed this Writ Petition questioning the circular dated 28.08.03 issued by

the 3rd respondent – The District Cooperative Central bank, Khamma.

In the said circular, it is stated that all the Secretaries of Primary Agricultural Cooperative Societies, Person-in-charges and Chair persons of the concerned Society, were informed that all the Societies have to follow the provisions of Section 116 C (1) of A.P. Cooperative Societies Act, with regard to staff pattern and allowances etc., and the expenditure which shall not exceed to 2% of working capital or 30% of the gross profit, whichever is less, in an year and due approval of the concerned Registrars of the Cooperative Societies. The said circular was issued only to implement Section 116-C(1) r/w 28(3)(B) and 36 (b) of the Act. Therefore, I do not see any illegality in the said circular. The staff of the concerned Societies, if violated the above rules, several penal actions are contemplated under the Act, Rules and byelaws. In the similar circumstances, I considered all such contentions in W.P.No.3171 of 2003 and batch on 30.08.2004 holding that the A.P. Cooperative Society is not a State within the meaning of Article 12 of the Constitution of India, the Writ Petitions are not maintainable.

Following the same, the present Writ Petition is also dismissed. No costs. However, if any of the individual members of the petitioners' union aggrieved by the action initiated by the concerned society or authority in launching prosecution contrary to law, it is open for them to approach appropriate authorities.

31.08.2004

BSS/DSK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.A.P. State Cooperative Central Bank Ltd., (APCOB), Troop Bazar,
Hyderabad.

2. Superintendent of Police, Khammam, Khammam District.

3. The General Manager. District Cooperative Central Bank, Khammam, Khammam District,

4. The District Cooperative Officer, Khammam, Khammam District.

5. The Divisional Cooperative Officer, Khammam, Khammam District

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Khammam Urban Mandal, Khammam District.

34.2CCs to G.P. for Agriculture and Cooperation, High Court Buildings,

Hyderabad (OUT)

35.2CD copies

36. CC to Mr. V Ajaykumar (Ack)